



Reprinted  
February 16, 2007

## SENATE BILL No. 155

DIGEST OF SB 155 (Updated February 15, 2007 3:15 pm - DI 52)

**Citations Affected:** IC 13-23; noncode.

**Synopsis:** Alcohol blended fuel underground storage tanks. With respect to the prohibition against installation of certain underground storage tanks (USTs) before the effective date of certain rules, adds to the criteria for exception from the prohibition the requirement that all newly installed or replaced piping connected to the tank meets the secondary containment requirements adopted by the solid waste management board. With respect to USTs that contain alcohol blended fuels composed of greater than 15% alcohol: (1) excepts the USTs from that prohibition if they meet certain standards; and (2) provides that the USTs are subject to certain release response and detection requirements. Adds effective date provisions. Adjusts limitations on payments from the excess liability trust fund.

**Effective:** Upon passage; July 1, 2007.

**Gard**

January 8, 2007, read first time and referred to Committee on Energy and Environmental Affairs.  
February 6, 2007, reported favorably — Do Pass.  
February 15, 2007, read second time, amended, ordered engrossed.

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SB 155—LS 6993/DI 52+



First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## SENATE BILL No. 155

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A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 13-23-5-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a)** Subject to  
3 section 2 of this chapter, **and except as provided in subsection (b)**, an  
4 underground storage tank, whether of single or double wall  
5 construction, may not be installed before the effective date of the rules  
6 adopted under IC 13-23-1-2 for the purpose of storing regulated  
7 substances unless:  
8 (1) the tank will prevent releases due to corrosion or structural  
9 failure for the operational life of the tank;  
10 (2) the tank is:  
11 (A) cathodically protected against corrosion;  
12 (B) constructed of noncorrosive material;  
13 (C) steel clad with a noncorrosive material; or  
14 (D) designed to prevent the release or threatened release of  
15 any stored substance; **and**  
16 (3) the material used in the construction or lining of the tank is  
17 compatible with the substance to be stored; **and**

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(4) after July 1, 2007, all newly installed or replaced piping connected to the tank meets the secondary containment requirements adopted by the board.

(b) An underground storage tank system that contains alcohol blended fuels composed of greater than fifteen percent (15%) alcohol is a petroleum UST system (as defined in 329 IAC 9-1-36 as in effect January 1, 2007) and may be installed during the period referred to in subsection (a) if the system is otherwise in compliance with rules adopted by the board concerning technical and safety requirements relating to the physical characteristics of underground petroleum storage tanks and ancillary equipment, including dispensing equipment, used in the storing or dispensing of alcohol blended fuels for purposes of:

- (1) IC 13-23-8-3(1)(A); and
- (2) all other provisions of this article.

(c) Owners and operators of underground storage tank systems that store, carry, or dispense alcohol blended fuels composed of greater than fifteen percent (15%) alcohol that comply with subsection (b) are considered to meet the standards of:

- (1) compatibility under subsection (a)(3); and
- (2) compliance for purposes of:
  - (A) IC 13-23-8-3; and
  - (B) all other provisions of this article.

SECTION 2. IC 13-23-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. For the purposes of section 2 of this chapter, the following amounts shall be used:

- (1) If the underground petroleum storage tank that is involved in the occurrence for which claims are made:

- (A) is not in compliance with rules adopted by the board concerning technical and safety requirements relating to the physical characteristics of underground petroleum storage tanks before the date the tank is required to be in compliance with the requirements; and

- (B) is in compliance on a date required under the requirements described under section 4 of this chapter at the time a release was discovered;

the amount is thirty-five thousand dollars (\$35,000).

- (2) If the underground petroleum storage tank that is involved in the occurrence for which claims are made:

- (A) is in compliance with rules adopted by the board concerning technical and safety requirements relating to the physical characteristics of underground petroleum storage

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1 tanks before the date the tank is required to be in compliance  
 2 with the requirements; and  
 3 (B) is not a double walled underground petroleum storage tank  
 4 with piping that has secondary containment;  
 5 the amount is ~~thirty~~ **twenty-five** thousand dollars (~~\$30,000~~).  
 6 **(\$25,000).**

7 (3) If the underground petroleum storage tank that was involved  
 8 in the occurrence for which claims are made:

9 (A) is in compliance with rules adopted by the board  
 10 concerning technical and safety requirements relating to the  
 11 physical characteristics of underground petroleum storage  
 12 tanks before the date the tank is required to be in compliance  
 13 with the requirements; and

14 (B) is a double walled underground petroleum storage tank  
 15 with piping that has secondary containment;  
 16 the amount is ~~twenty-five~~ **twenty** thousand dollars (~~\$25,000~~).  
 17 **(\$20,000).**

18 SECTION 3. [EFFECTIVE UPON PASSAGE] (a) An  
 19 underground storage tank system that contains fuel composed of  
 20 greater than fifteen percent (15%) alcohol is considered to comply  
 21 with IC 13-23-5-1(b), as added by this act, if either of the following  
 22 applies:

23 (1) The system predates the effective date of this act.  
 24 (2) The system predates the solid waste management board's  
 25 adoption after the effective date of this act of any additional  
 26 rules concerning technical and safety requirements for storing  
 27 and dispensing alcohol blended fuel.

28 (b) Replacement tanks or ancillary equipment installed in  
 29 existing underground storage tank systems storing or dispensing  
 30 alcohol blended fuels must meet the standards contained in  
 31 additional rules adopted by the solid waste management board as  
 32 described in subsection (a)(2) only if the installation occurs after  
 33 the adoption of those rules.

34 SECTION 4. An emergency is declared for this act.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill No. 155, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 155 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 8, Nays 0.

## SENATE MOTION

Madam President: I move that Senate Bill 155 be amended to read as follows:

Page 1, line 15, strike "and".

Page 1, line 17 delete "." and insert "; **and**".

Page 1, after line 17, begin a new line block indented and insert:

**"(4) after July 1, 2007, all newly installed or replaced piping connected to the tank meets the secondary containment requirements adopted by the board."**

Page 2, line 3, after "alcohol" insert "**is a petroleum UST system (as defined in 329 IAC 9-1-36 as in effect January 1, 2007) and**".

Page 2, line 7, after "equipment" insert "**, including dispensing equipment,**".

Page 2, between lines 18 and 19, begin a new paragraph and insert:  
**"SECTION 2. IC 13-23-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. For the purposes of section 2 of this chapter, the following amounts shall be used:**

(1) If the underground petroleum storage tank that is involved in the occurrence for which claims are made:

(A) is not in compliance with rules adopted by the board concerning technical and safety requirements relating to the physical characteristics of underground petroleum storage tanks before the date the tank is required to be in compliance with the requirements; and

(B) is in compliance on a date required under the requirements described under section 4 of this chapter at the time a release was discovered;

the amount is thirty-five thousand dollars (\$35,000).

(2) If the underground petroleum storage tank that is involved in

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the occurrence for which claims are made:

(A) is in compliance with rules adopted by the board concerning technical and safety requirements relating to the physical characteristics of underground petroleum storage tanks before the date the tank is required to be in compliance with the requirements; and

(B) is not a double walled underground petroleum storage tank with piping that has secondary containment;

the amount is ~~thirty~~ **twenty-five** thousand dollars ~~(\$30,000)~~. **(\$25,000)**.

(3) If the underground petroleum storage tank that was involved in the occurrence for which claims are made:

(A) is in compliance with rules adopted by the board concerning technical and safety requirements relating to the physical characteristics of underground petroleum storage tanks before the date the tank is required to be in compliance with the requirements; and

(B) is a double walled underground petroleum storage tank with piping that has secondary containment;

the amount is ~~twenty-five~~ **twenty** thousand dollars ~~(\$25,000)~~. **(\$20,000)**."

Renumber all SECTIONS consecutively.

(Reference is to SB 155 as printed February 7, 2007.)

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